

**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW
ETHICS ADJUDICATORY BOARD**

BOARD OF ETHICS

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* **DOCKET NO. 2020-5580-ETHICS-B**

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IN THE MATTER OF

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ANTHONY BLOISE

* **AGENCY TRACKING NO. 5120-037**

DECISION AND ORDER

Anthony Bloise knowingly failed to file two campaign finance disclosure reports as required by law. The Board of Ethics, acting in its capacity as the Supervisory Committee on Campaign Finance Disclosure, may impose upon Anthony Bloise additional civil penalties as allowed by La. R.S. 18:1505.4(A)(4)(a) and (b).

APPEARANCES

A hearing was conducted October 8, 2020, in Baton Rouge, Louisiana, before Panel B of the Ethics Adjudicatory Board (EAB).¹ Charles Reeves appeared as counsel on behalf of the Board of Ethics. Although duly noticed, Anthony Bloise did not appear for the hearing.²

STATEMENT OF THE CASE

The Board of Ethics (BOE) requested that the EAB conduct an adjudicatory hearing to determine whether, pursuant to La. R.S. 18:1505.4(A)(4)(a), Anthony Bloise (Respondent) was more than six days late filing his 10-P campaign finance disclosure report for the October 12, 2019, primary election for the office of Sheriff of Jefferson Parish. The BOE also requested that the EAB conduct an adjudicatory hearing to determine whether, pursuant to La. R.S.

¹ Panel B of the EAB consists of Administrative Law Judges William H. Cooper III, Gregory McDonald, and Anthony Russo.

² See BOE-12.

18:1505.4(A)(4)(b), Respondent was more than eleven days late filing his 10-G campaign finance disclosure report for the November 16, 2019, general election for the office of Sheriff of Jefferson Parish. If late, this would subject Respondent to additional late penalties under La. R.S. 18:1505.4(A)(4).

At the hearing, BOE offered its exhibits, numbered BOE-1 through BOE-12, which were admitted into evidence. The record was closed and the matter was submitted for decision.

This adjudication is conducted in accordance with the Campaign Finance Disclosure Act (CFDA), La. R.S. 18:1481, *et seq.*, the Code of Governmental Ethics, La. R.S. 42:1101, *et seq.*, and the Administrative Procedure Act, La. R.S. 49:950, *et seq.*

FINDINGS OF FACT

Respondent was an unsuccessful candidate for the office of Sheriff of Jefferson Parish, in a primary election held October 12, 2019.³ The office of Sheriff of Jefferson Parish is a “major” level office, as it is a parish-wide election in an election district containing a population in excess of 250,000 persons.⁴ Respondent was defeated in the primary election, in which another candidate secured a voting margin over 50%, which determined the election.⁵ Respondent was required to file a campaign finance disclosure report ten days prior to the primary election (also known as a 10-P), due on October 2, 2019, and a campaign finance disclosure report ten days prior to the general election (also known as the 10-G), due on November 6, 2019.⁶

The BOE is the Supervisory Committee on Campaign Finance Disclosure under the CFDA.⁷ Election candidates, when qualifying at their respective clerks of court, are provided with

³ See BOE-2; BOE-3, page 4. Respondent admitted, by operation of La. C.C.P. art. 1467(A), that he was a candidate for the office of Sheriff of Jefferson Parish. BOE-9, page 3; BOE-10; BOE-11.

⁴ See BOE-4, page 2.

⁵ BOE-3, page 4.

⁶ BOE-4, page 2.

⁷ La. R.S. 18:1483(19).

BOE's Schedule of Reporting and Filing Dates for Candidates (Schedule).⁸ The Schedule informed Respondent that the 10-P report was due October 2, 2019, and the 10-G report was due November 6, 2019.⁹ The Schedule advised that the period covered by the 10-P report was from September 3, 2019 through September 22, 2019. The Schedule advised that the period covered by the 10-G report was from September 23, 2019 through October 27, 2019.¹⁰

Respondent did not file the required 10-P report by the due date, October 2, 2019.¹¹ The BOE issued a Late Fee Assessment Order and assessed a fine of \$2,500.00 for this violation.¹² Respondent was notified in the letter accompanying the order that he could be subject to an additional assessment of \$10,000.00, pursuant to La. R.S. 18:1505.4(A)(4), if he failed to file the report.¹³ The 10-P report had not been filed as of September 11, 2020.¹⁴

Respondent did not file the required 10-G report by the due date, November 6, 2019.¹⁵ The BOE issued a Late Fee Assessment Order and assessed a fine of \$2,500.00 for this violation.¹⁶ Respondent was notified in the letter accompanying the order that he could be subject to an additional assessment of \$10,000.00, pursuant to La. R.S. 18:1505.4(A)(4), if he failed to file the report.¹⁷ The 10-G report had not been filed as of September 11, 2020.¹⁸

Respondent failed to appear for the hearing or respond to the Late Fee Assessment Orders

⁸ See BOE-4.

⁹ *Id.*

¹⁰ *Id.*

¹¹ BOE-8. Respondent admitted, by operation of La. C.C.P. art. 1467(A), that he did not file a 10-P campaign finance disclosure report in connection with the October 12, 2019, primary election for the office of Sheriff of Jefferson Parish. BOE-9, page 3; BOE-10; BOE-11.

¹² BOE-6.

¹³ *Id.*, page 2.

¹⁴ BOE-8.

¹⁵ BOE-8. Respondent admitted, by operation of La. C.C.P. art. 1467(A), that he did not file a 10-G campaign finance disclosure report in connection with the October 12, 2019, primary election for the office of Sheriff of Jefferson Parish. BOE-9, page 3; BOE-10; BOE-11.

¹⁶ BOE-7.

¹⁷ *Id.*, page 2.

¹⁸ BOE-8.

and accompanying letters, despite notice of the hearing and Late Fee Assessment Orders and accompanying letters being sent to his last known address.¹⁹

CONCLUSIONS OF LAW

La. R.S. 18:1505.4(A)(4)(a) and (b) provide that if, after conducting an adjudicatory hearing, the EAB determines that a candidate knowingly failed to file the required campaign finance disclosure report, or filed it more than six days [La. R.S. 18:1505.4(A)(4)(a)] or eleven days [La. R.S. 18:1505.4(A)(4)(b)] late, then the BOE, functioning as the Supervisory Committee on Campaign Finance Disclosure, may impose upon the candidate additional civil penalties not to exceed \$10,000.00 per report.

The office of Sheriff of Jefferson Parish is a “major” level office, as it is a parish-wide elected office in an election district with a population of 250,000 persons or more.²⁰ The BOE proved Respondent failed to timely file two campaign finance disclosure reports as a candidate for that office in the October 2019 primary election. Every candidate for “major” public office (or his campaign treasurer), who knowingly fails to timely file a required report may be assessed a civil penalty in the amount of \$100 per day, not to exceed \$2,500.²¹ The BOE assessed the maximum amount of \$2,500.00 for each missing report, as the required reports were not filed by day 25 of the reports being late.²² “Knowingly and willfully,” means conduct which could have been avoided through the exercise of due diligence.²³

By knowingly failing to file the required reports, Respondent violated the CFDA, and may be assessed a civil penalty up to \$10,000.00 by the BOE for each report.²⁴

¹⁹ BOE-6; BOE-7, BOE-12.

²⁰ La. R.S. 18:1483(11); La. R.S. 18:1484(1); BOE 4, page 2.

²¹ La. R.S. 18:1505.4(A)(2)(a)(i).

²² \$100.00 multiplied by 25 days equals \$2,500.00, the statutory maximum in La. R.S. 18:1505.4(A)(2)(a)(i).

²³ La. R.S. 18:1505.5.

²⁴ La. R.S. 18:1505.4(A)(4).

The EAB considered the issue of whether a penalty may be assessed by the BOE for failing to file a 10-G report, where no general election was held for the position. The EAB concludes that both the statute and the instructions provided in the Schedule prepared by the BOE contemplate that a candidate in the primary election, like Respondent, must file a 10-G report, even where no general election is held because a candidate in the primary election prevailed with over 50% of the votes cast. The statute requiring the filing of the 10-G report, La. R.S. 18:1495.4(B)(5), provides:

B. A report shall be filed by a candidate for each regularly scheduled election in which the candidate participates according to the following schedule:

(5) Each candidate shall file a report no later than the tenth day prior to the general election which shall be complete through the twentieth day prior to the general election. This shall be the final report for the election for any candidate who does not participate in the general election, unless supplemental reports are required as provided in Subsection D of this Section. (emphasis added).

The Schedule of Reporting and Filing Dates²⁵ informed Respondent the 10-G report was due November 6, 2019.²⁶ The Schedule also advised Respondent that a 10-G report was required of all candidates in the primary election. Finally, the 10-G report covers contributions and expenditures from September 23, 2019, through October 27, 2019, a period which is not covered by the 30-P and 10-P reports.²⁷ The EAB concludes a 10-G report is required for candidates in the primary election, even where no general election is held for that office.

Respondent failed to file his 10-P campaign finance disclosure report by October 2, 2019; and he failed to file his 10-G campaign finance disclosure report by November 6, 2019. As of September 11, 2020, he had not filed either of the two reports. Respondent is more than six days late in filing his 10-P campaign finance disclosure report. Respondent is more than eleven days

²⁵ BOE-4.

²⁶ *Id.*

²⁷ *Id.*

late in filing his 10-G campaign finance disclosure report.

The BOE proved Respondent, a candidate for “major” office, has failed to file a 10-P report more than six days after the report’s due date. The BOE proved Respondent, a candidate for “major” office, has failed to file a 10-G report more than eleven days after the report’s due date. The BOE, in its capacity as the Supervisory Committee for Campaign Finance Disclosure, may impose additional late fee penalties as authorized La. R.S. 18:1505.4(A)(4)(a) and (b), not to exceed ten thousand dollars (\$10,000.00) for each late report.

ORDER

IT IS ORDERED that Anthony Bloise’s 2019 10-P campaign finance disclosure report is more than six days late, and the Board of Ethics may impose upon Anthony Bloise additional civil penalties as allowed by La. R.S. 18:1505.4(A)(4)(a).

IT IS ORDERED that Anthony Bloise’s 2019 10-G campaign finance disclosure report is more than eleven days late, and the Board of Ethics may impose upon Anthony Bloise additional civil penalties as allowed by La. R.S. 18:1505.4(A)(4)(b).

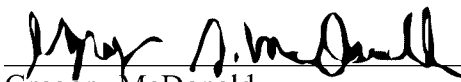
Rendered and signed November 5, 2020, Baton Rouge, Louisiana.



William. H. Cooper III
Presiding Administrative Law Judge



Anthony Russo
Administrative Law Judge



Gregory McDonald
Administrative Law Judge

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Monday, November 09, 2020, I have sent a copy of
this decision/order to all parties of this matter.

Clerk of Court
Division of Administrative Law

REVIEW RIGHTS

This decision exhausts your administrative remedies. If you are dissatisfied with this ruling, you may have the right to seek a rehearing or reconsideration of this decision or order, subject to the grounds for and time limitations provided in Louisiana Revised Statute 49:959 and Louisiana Code of Civil Procedure article 5059. To determine your review rights, you should act promptly and seek legal advice.

To request a rehearing or reconsideration, please send it to one of the addresses indicated below:

EMAIL documents to:
EABprocessing@adminlaw.state.la.us

FAX documents to:
EAB Section Deputy Clerk
(225) 219-9820

MAIL documents to:
DAL – EAB Section
ATTN: EAB Section Deputy Clerk
P. O. Box 44033
Baton Rouge, LA 70804-4033

If you do not request a rehearing of your decision or your rehearing request is denied, you have the right to seek judicial review in accordance with La. R.S. 49:964, La. R.S. 42:1142(A)(1), and La. C.C.P. art 5059. To determine your review rights, you should act promptly and seek legal advice.